

## SEVENTY-EIGHTH DAY.

SENATE CHAMBER, )  
Austin, April 16, 1874. )

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Dr. Burleson, of Waco.

On motion of Senator Joseph, the reading of the Journal of yesterday was dispensed with.

On motion of Senator Ball, the doorkeeper was excused for the day on account of sickness.

Senator Culberson introduced a bill entitled "An Act to require mayors of towns and cities to execute bond for the faithful discharging the duties of the office." Read first time, and referred to Committee on Finance.

Senator Ireland introduced a bill, entitled "An Act to secure the more efficient prosecution of certain crimes." Read first time, and referred to Judiciary Committee.

Senator Ellis presented the petition of citizens of Lavaca county, "asking that the Legislature pass an act, prohibiting the sale, or giving away of spirituous liquors within five miles of Bethel Church and Seminary in said county." Read and referred to Committee on State Affairs.

Senator Russell offered the following resolution:

*Resolved*, That the Senate will hold evening sessions, at three P. M., on and after the twentieth instant. Read and laid over under the rules.

On motion of Senator Ireland, the rules were suspended, and Senate Joint Resolution No. 331, "To print laws of the Thirteenth Legislature in the Spanish and German languages," and also substitute therefor, entitled "Senate Joint Resolution, authorizing the Board of Public Printing to receive of the late State Printer two thousand copies of the General Laws of the Thirteenth Legislature, in German;" and also, the report of the Committee, was taken up.

The substitute was read first time and adopted.

Senator Shepard moved to amend the report of the Committee, by striking out the word 'two' before the word 'thousand,' and inserting 'one.' Pending the discussion of the motion, a message from the House was received, announcing the passage of Senate bill No. 27, "An Act to amend sections five (5), eight (8), seventeen (17) and nine-

teen (19) of an act entitled 'an act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road.'"

Senate bill No. 89, "An Act to incorporate the Southwestern Railroad Company, and to grant lands to aid in the construction of its road," with amendments by the House.

Also, House bill No. 511, "An Act to amend the tenth section of an act entitled 'an act to prescribe the times of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870.

The motion was lost by the following vote:

YEAS—Senators Allison, Baker, Bradley, Ellis, Erath, Morris, Moore, Parker, Shepard, Trolinger and Wood—11.

NAYS—Senators Ball, Bradshaw, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Friend, Hobby, Ireland, Joseph, Ledbetter, Russell, Stirman and Westfall—16.

Senator Culberson offered the following amendment:

"*Provided*, That the Secretary of State be, and is hereby authorized and directed to distribute the copies of these laws in such manner as he may deem best to carry out the object of the Legislature in the publication thereof." Adopted.

The bill then passed by the following vote:

YEAS—Senators Ball, Bradshaw, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Parker, Russell, Shepard, Stirman, Trolinger, Westfall and Wood—23.

NAYS—Senators Allison, Baker, Bradley, Morris and Moore—5.

The hour for the consideration of the special order having arrived, to-wit: House bill No. 44, "An Act to authorize incorporated towns and cities to prevent the erection of wooden buildings," on motion of Senator Parker it was postponed for twenty minutes.

On motion of Senator Parker, the rules were suspended, and Senate bill No. 232, "An Act to authorize county courts to build bridges, etc.," was taken up together with the report of the committee thereon, that said bill do not pass.

The report of the committee was adopted, and bill therefore lost.

Senator Stirman gave notice that he would move to reconsider the vote of yesterday, by which the Senate refused

to pass House bill No. 182, "An Act to dedicate to the use of Travis county certain lands in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same."

The special order, House bill No. 41, "An Act to authorize incorporated cities and towns to prevent the erection of wooden buildings," was then taken up, together with the amendments proposed by the committee thereon, and read second time.

The Senate refused to adopt the amendments of the committee.

Senator Wood moved to strike out the words 'two thousand' wherever they occur in the bill, and insert in lieu thereof the words 'fifteen hundred.' Adopted.

The bill, as amended, then passed to third reading.

Senator Moore offered the following amendment:

"Strike out the words 'any wooden buildings,' and insert the words 'any wooden buildings within the business portion of such city, or any wooden building within forty yards of any building used for commercial purposes.'" Lost.

The bill was then read third time and passed.

Senator Trolinger, for Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 384, "An Act to amend the title and section one of an act entitled 'an act to incorporate the Bryan Real Estate and Building Association,'" approved May 25, 1871; also, Senate bill No. 329, "An Act to amend 'an act to incorporate the Lavaca County Tap Railway Company,'" passed May 30, 1873; also, Senate joint resolution No. 305, "Joint Resolution instructing our Senators, and requesting our Representatives in Congress to aid in securing the passage of a law, which will insure the early completion of the Texas and Pacific Railway;" also, Senate bill No. 371, "An Act to declare an act, incorporating the city of San Antonio and grant a new charter to said city, and to repeal 'an act to incorporate the city of San Antonio' approved July 17, 1856, and 'an act to incorporate the city of San Antonio,' approved February 11, 1860, and 'an act to incorporate the city of San Antonio and grant a new charter to said city,'" approved August 13, 1870, one

of the unpublished special laws of the Thirteenth Legislature, and find them correctly engrossed.

W. H. TROLINGER, for Committee.

On motion of Senator Bradley, the rules were suspended, and Senate bill No. 227, "An Act to regulate common carriers," together with the report of the committee, recommending amendments, was taken up and read second time.

On motion of Senator Shepard, the bill was made special order for to-morrow, at eleven o'clock A. M., one hundred copies ordered printed, and said bill to continue as said special order from day to day until disposed of.

On motion of Senator Friend, the rules were suspended and Senate bill No. 383, "An Act fixing the times of holding the district courts in the Sixteenth Judicial District," was taken up, read second time, and ordered engrossed.

On motion of Senator Friend, the rules were suspended, bill read third time and passed.

A message was received from the House, announcing the passage of the following House bills:

House bill No. 490, "An Act to amend article two hundred and fourteen of Penal Code of the State of Texas."

House bill No. 416, "An Act to incorporate the Alamo Rifles of the city of San Antonio."

House bill No. 463, "An Act to authorize the Judge of the Twenty-eighth Judicial District to hold a special term of court in Brazos county."

House bill No. 406, "An Act to add the county of Waller to the Twenty-ninth Judicial District, and prescribing the times of holding the district courts in said district."

House bill No. 449, "An Act to amend an act, approved March 4, 1871, entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State,' " approved August 10, 1870.

House bill No. 310, "An Act to amend section two of an act amendatory of and supplemental to an act entitled 'an act to amend section two of 'an act amendatory of and supplemental to an act, entitled 'an act amendatory of and supplemental to an act, entitled 'an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Companies,' " passed September 1, 1856; passed December 24, 1859, which act changed the name of said company to the "Texas and New Orleans Railroad Company," approved April 15, 1873; and which said act changed the

name of said road to the "New Orleans, Mobile and Texas Railroad Company."

Senator Ledbetter moved that the rules be suspended, so as to enable him to move a reconsideration of the vote, by which the Senate adopted an adverse report of the committee on House bill No. 43, "An Act to change a portion of the Western boundary line of San Patricio county."

The President ruled the motion out of order.

The hour for the consideration of the special order having arrived, to-wit: House bill No. 252, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, etc," it was taken up and read second time.

Senator Culberson offered to amend by striking out the fourteenth section.

Senator Ellis moved to consider the bill by sections. Lost.

The question then recurring on the adoption of the amendment offered by Senator Culberson, it was lost by the following vote:

YEAS—Senators Ball, Bradshaw, Burton, Culberson, Davenport, Ellis, Hobby, Ledbetter, Moore, Shepard and Trolinger—11.

NAYS—Senators Baker, Bradley, Camp, Dillard, Dwyer, Friend, Ireland, Joseph, Morris, Parker, Stirman, Westfall and Wood—13.

Senator Erath asked to be excused from voting on the bill.

The Senate excused him.

Senator Shepard offered the following amendment:

"Amend section one by inserting in line twenty-one, after the word 'service' the following words: 'or who may be now disabled by loss of sight or limb from any cause.'"  
Adopted.

On motion of Senator Stirman, the rules were suspended, and the bill, as amended, read third time.

Senator Ireland moved a reconsideration of the vote, by which the Senate refused to adopt the amendment offered by Senator Culberson.

The vote on said motion stood as follows:

YEAS—Senators Ball, Bradshaw, Burton, Culberson, Davenport, Ellis, Friend, Hobby, Ireland, Ledbetter, Shepard, Trolinger and Westfall—13.

NAYS—Senators Allison, Baker, Bradley, Camp, Dillard, Dwyer, Joseph, Morris, Moore, Parker, Russel, Stirman and Wood—13.

The vote being evenly divided, the President of the Senate voted in the affirmative; the motion to reconsider, thereby prevailing.

Senator Ireland moved to strike out the words 'one hundred and fifty,' wherever it occurs in the bill, and insert the word 'fifty.' Lost by the following vote:

YEAS—Senators Ball, Bradshaw, Bradley, Ireland, Morris, Trolinger, Westfall and Wood.—8.

NAYS—Senators Allison, Baker, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Hobby, Joseph, Ledbetter, Moore, Parker, Russell, Shepard, Stirman and Wood—18.

Senator Dwyer offered the following as an amendment to section fourteen:

"That the State of Texas, in recognition of the gallant deeds and gallant services rendered by the patriots that fought for the independence of Texas, hereby dedicates a silver medal to each and every soldier who participated in the battles for independence; and the Comptroller is hereby directed to cause the manufacturing of said silver medals; the medals on one side to have the name of the veteran, company and regiment, and on the other side a Lone Star of Texas." Adopted.

Senator Moore offered the following amendment as a substitute for the original fourteenth section, and also, as amended.

"Sec. 14. No pension for a period of time later than the first day of January, 1874, shall be paid under the provisions of this act unless the holder of a pension certificate shall make application to the Comptroller for the same, in person or by attorney; in which application he will say whether or not such pension is necessary to the comfort and support of himself or family; and if in such application the applicant shall say that such pension is necessary to his comfort and support, the pension shall be paid as provided for." Lost.

Senator Allison moved the previous question. Previous question not sustained.

Senator Culberson moved to amend by striking out the fourteenth section. Lost by the following vote:

YEAS—Senators Bradshaw, Burton, Culberson, Davenport, Ellis, Friend, Hobby, Ireland, Ledbetter, Morris, Trolinger and Westfall—12.

NAYS—Senators Allison, Ball, Baker, Bradley, Camp,

Dillard, Dwyer, Joseph, Moore, Parker, Russell, Shepard, Stirman and Wood—14.

Senator Bradshaw offered the following amendment :

“Amend section fifteen, line four, after the word ‘unless,’ by inserting the words ‘it shall appear from the Comptroller’s office that the holder of said pension certificate does not pay an *ad valorem* tax of over two dollars and fifty cents.’” Lost.

Senator Stirman moved the previous question, which the President stated to be “shall the bill be read a third time?” Previous question ordered by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Shepard, Stirman, Trolinger, Westfall and Wood—26.

NAYS—None.

Senator Moore offered the following amendment :

“Strike out ‘silver,’ in fourteenth section and insert the word ‘gold.’” Lost.

The rules were suspended, bill read third time and passed by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Russell, Shepard, Stirman, Trolinger, Westfall and Wood—27.

NAYS—None.

A message from the House was received announcing the passage of the following House bills, viz : House bill No. 237, “An Act to amend article (497) four hundred and ninety-seven of the Code of Criminal Procedure,” approved August 26, 1856 ; House bill No. 137, “An Act to prescribe the manner of making minors and persons of unsound mind parties to suits in this State ;” House bill No. 311, “An Act to amend article six hundred and ninety-four of Code of Criminal Procedure,” enacted February 15, 1858 ; House bill No. 322, “An Act to amend the seventy-eighth section of ‘an act to define the powers and jurisdiction of district courts,’ ” passed May 13, 1846 ; also, that the House refused to concur in Senate amendments to House bill No. 385, “An Act to limit the power of taxation in towns and cities, whose population does not exceed fifteen thousand ;” also, informing the Senate that the mo-

tion to reconsider House bill No. 221, "An Act to amend fourth section of 'an act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof,' approved November 12, 1866, had been withdrawn and the bill sent to enrollment.

By leave, Senator Erath introduced a bill entitled "An Act to appropriate three hundred thousand dollars (\$300,000) for the protection of the frontier." Read and referred to Committee on Finance.

By leave, Senator Ireland introduced a bill entitled "An Act to define the Twenty-second Judicial District, and to fix the times of holding the courts therein." Read first time, rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Committee on Enrolled Bills submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 52, "An Act to confer jurisdiction of certain civil causes on the courts in the several counties in this State," and Senate bill No. 8, "An Act to reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and fix the time for holding the courts therein," and find the same correctly enrolled, and have this sixteenth day of April, 1874, at 9:45 o'clock A. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

The following communication was received from his Excellency the Governor, and ordered spread on the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, )  
Austin, April 16, 1874. (

*Hon. R. B. Hubbard, President of the Senate:*

SIR—I have the honor to enclose herewith a copy of the captions of bills and joint resolutions passed by the Legislature since April 7, 1874.

Very respectfully,

RICHARD COKE.

House bill No. 280, "An Act making an appropriation to pay the fees due certain officers in cases of impeach-



ment and addresses against judges now pending before the Fourteenth Legislature," approved April 7, 1874.

Senate bill No. 138, "An Act to provide for the repayment to James Gathings, of Hill county, money illegally extorted from him by the State police," approved April 7, 1874.

Senate bill No. 33, "An Act to authorize and provide for a change of venue in civil cases," approved April 7, 1874.

House bill No. 157, "An Act to protect carpenters, mechanics, artisans and other workmen," approved April 7, 1874.

House bill No. 415, "An Act to prevent the leaving of dead animals in the public highways, roads or streets of this State," approved April 7, 1874.

House bill No. 99, "An Act to repeal an act entitled 'an act to locate the county seat of Trinity county,' approved May 30, 1873," approved April 7, 1874.

House bill No. 429, "An Act to provide for the appointment of sheriffs *pro tem.* in certain cases, and prescribing the manner of qualification and the duties of such officers," approved April 8, 1874.

Senate joint resolution No. 365, "Joint Resolution authorizing the Governor to offer a reward of not exceeding three thousand dollars for the apprehension of the highway robbers who robbed the passengers and the United States mail, on the San Antonio and Austin stage, on the seventh of April, 1874," approved April 8, 1874.

House bill No. 89, "An Act to adjust and define the western boundary line of San Jacinto county," approved April 8, 1874.

Senate bill No. 64, "An Act amendatory of an act supplementary to 'an act authorizing the disposition and sale of the University lands, approved August 30, 1856,' approved November 12, 1866," approved April 8, 1874.

Senate bill No. 22, "An Act to amend an act entitled 'an act regulating elections,' approved March 31, 1873, and an act entitled 'an act to amend an act regulating elections,' approved April 1, 1873," approved April 8, 1874.

House bill No. 399, "An Act to add the counties of Chambers, Liberty, Hardin and Jefferson to the Second Judicial District, and to prescribe the times of holding court in said district," approved April 8, 1874.

Senate substitute for House bill No. 430, "An Act to reorganize the Fourth Judicial District of the State of Texas,

and to provide for the holding the courts therein," approved April 8, 1874.

House bill No. 128, "An Act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans, or other marauding or thieving parties," approved April 10, 1874.

House bill No. 382, "An Act to recognize and provide for the payment of Lieutenant J. M. Elkins' company of minute men organized in Coleman county," approved April 10, 1874.

Senate bill No. 381, "An Act to further provide for the sale of bonds to pay the public debt," approved April 13, 1874.

Senate bill No. 347, "An Act to amend section thirteen of an act entitled 'an act to incorporate the Galveston Bank and Trust Company,' approved April 26, 1871," approved April 13, 1874.

Senate bill No. 307, "An Act to amend section two and three of an act entitled 'an act to define the Tenth Judicial District of the State of Texas,'" approved April 13, 1874.

House bill No. 316, "An Act to legalize the acts of certain officers," approved April 14, 1874.

Senate bill No. 316, "An Act making an appropriation for the salary of two of the associate justices of the Supreme Court," approved April 14, 1874.

House bill No. 408, "An Act relating to the bonds of sheriffs," approved April 14, 1874.

Senate bill No. 361, "An Act authorizing the Governor to postpone special elections for Senators and Representatives in certain cases," approved April 14, 1874.

House bill No. 179, "An Act to create the county of Lee," approved April 14, 1874.

House bill No. 32, "An Act authorizing clerks of the district court and justices of the peace to issue writs of garnishment in certain cases herein provided," approved April 14, 1874.

House bill No. 19, "An Act to aid in recovering stolen property," approved April 14, 1874.

Senate bill No. 299, "An Act to require the several sheriffs of this State to execute additional bonds in certain cases," approved April 14, 1874.

Senate bill No. 374, "An Act to authorize the Judge of the Twenty-fourth Judicial District to hold a special term of court in the county of Kinney," approved April 14, 1874.

Substitute Senate bill No. 329, "An Act to provide for the supplying of lost records in the several counties in this State," approved April 14, 1874.

Senate joint resolution No. 194, "Joint Resolution authorizing the Adjutant General of this State to make application to the Commanding General of the United States army for additional troops for the protection of the frontier of Texas," approved April 14, 1874.

Senate bill No. 352, "An Act to amend an act entitled 'an act prescribing the time of holding the district court in the several judicial districts in the State,' approved August 10, 1870," approved April 14, 1874.

Senate joint resolution No. 363, "Joint Resolution empowering the Governor to employ counsel to prosecute any persons and to make an appropriation to defray the expenses in said prosecutions," approved April 14, 1874.

Senate bill No. 205, "An Act to attach the county of Waller to the Thirteenth Senatorial District," approved April 14, 1874.

Senate bill No. 164, "An Act to amend section eighteen of an act entitled 'an act concerning proceedings in the district court,' passed the sixteenth day of March, eighteen hundred and forty-eight, and took effect August 1, eighteen hundred and forty-eight," approved April 15, 1874.

Senate bill No. 358, "An Act to amend an act amendatory of an act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870, approved April 17, 1871, approved June 4, 1873," approved April 15, 1874.

On motion of Senator Burton, the Senate adjourned.

#### SEVENTY-NINTH DAY.

SENATE CHAMBER, {  
Austin, April 17, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Mr. Robert.

The reading of the journal of yesterday was dispensed with.